

**MINUTES
BOARD OF VARIANCE
COUNCIL CHAMBERS, SAANICH MUNICIPAL HALL
SEPTEMBER 9, 2020 AT 6:00 P.M.**

Members: H. Charania (Chair), D. Gunn, M. Horner, R. Riddett
Regrets: E. Dahli
Staff: K. Kaiser, Planning Technician, T. Douglas, Senior Committee Clerk

Minutes: Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held August 12, 2020 be adopted as amended.
CARRIED

Broadway Street **Applicant: Banks Design OBO Bill Callsen**
New house **Property: 505 Broadway Street**
Variance: Relaxation of rear lot line setback from 7.5 m to 6.9 m

BOV #00874

The Notice of Meeting was read and the applicant's letter received.

Applicants: Nigel Banks, applicant, and Bill Callsen, owner, were present in support of the application and stated:

- They were here four years ago with essentially the same application but they were not able to build. They now have plans with a higher level of energy efficiency along with seismic upgrades.
- The owner has spoken with neighbours about the application.
- The existing house is set back on an odd-shaped corner lot.

In reply to Board questions, the applicant and owner stated:

- There is no covered vehicle parking. The plan is for a full height space under the deck to walk into the basement.
- An energy evaluation was done for the house; there will be only one window on the north side and many windows on the south and west sides.
- The Building Code changed in 2018 and this design has brought everything up to the current standard.

The Chair reported that he spoke with neighbours during the site visit and they seemed happy with the proposed house.

Public input: Nil

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), further to the construction of a new single family dwelling on Lot 15, Section 50, Victoria District, Plan 1893 (505 Broadway Street):

- a) relaxation of rear lot line setback from 7.5 m to 6.9 m**

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variance so permitted by this Order will expire."

Board comments:

- There is a hardship with the shape of the lot.
 - This is a minor variance that was previously approved.
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- This is an improvement on the present setback. The other setbacks on the lot are generous.
- The neighbours are happy and there is no negative impact to the environment.

The Motion was then Put and CARRIED

Brookleigh Road
New house

BOV #00869

Applicant: Ian and Jacquie Johnson
Property: 567 Brookleigh Road
Variance: Relaxation of height from 7.5 m to 7.76 m
Relaxation of single face height from 7.5 m to 8.13 m

The Notice of Meeting was read and the applicant’s letter received. Mr. Gunn reported that he met Mr. Johnson on his site visit and was shown the marked site.

Applicants:

Ian Johnson, applicant/owner, was present in support of the application and answered questions from the Board as noted:

- The proposed house will be built close to the footprint of the existing house, about 10 feet away, creating a better slope for the driveway.
- The existing house is about 90 years old and they experience water issues from the driveway runoff.
- This building will be lower than the existing house.
- They did speak with the neighbour that has sightlines of the house, and they were not concerned.
- The new house will be built at a lower elevation on the property. The main floor will be a similar elevation to the current ground-level basement.
- The property slopes in two directions; the east is the lowest area.
- They will have a crawlspace instead of a basement. A good sized crawlspace will lend opportunity to easily service ductwork and equipment.
- The house will be approximately 3,400 square feet. They plan to develop a hobby farm and orchard.

Public input:

Nil

MOTION:

MOVED by D. Gunn and Seconded by M. Horner: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 101.5(b)(i) and (ii), further to the construction of a new single family dwelling on Lot 1, Section 53, Lake District, Plan 4106 (567 Brookleigh Road):

- a) relaxation of height from 7.5 m to 7.76 m
- b) relaxation of single face height from 7.5 m to 8.13 m

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”

Board comments:

- These are minor variances.
- There is no impact to the neighbours or to the environment.
- The slope of the land and the water table are hardships.

The Motion was then Put and CARRIED

McAnally Road Fence and gate
BOV #00876

Applicant: Jonathan Craggs OBO Jaqueline Pyke & Evan Hazell
Property: 2965 McAnally Road
Variance: Relaxation of fence height constructed on a lot line abutting a street from 1.5 m to 2.06 m on the front lot line and interior side lot lines

The Notice of Meeting was read and the applicant's letter received.

Applicants:

Jonathan Craggs, applicant, and Jacquie Pyke, owner, were present in support of the application. In reply to questions from the Board, the owner and the applicant stated:

- Ms. Pyke has owned the property for 14 years and moved there 1.5 years ago.
- At first they wanted to keep the front area open, however their plants were constantly being destroyed by deer.
- The deer sleep on the lawn and this makes their dog bark at night, which is disruptive and disturbs the neighbours.
- They looked at what others in the neighbourhood have done in terms of fencing and tried to respect the look of the neighbourhood with their choice of fence.
- The deer don't tend to jump the fence unless being chased. They can jump seven feet high.
- They used an open picket style fence in black so it essentially disappears.
- Metal is the only suitable option to have fencing that is not unfriendly. The gate is the same material as the fence, and is a little taller.
- The vegetable garden is in the back. They would like to have shrubs and flowers in the front and on the west side.
- They do not have an alternative plan if this is denied.

Board discussion:

- The transparent and non-intimidating design of the fence is appreciated.
- One member was not convinced deer are a hardship as this problem is district wide, while another member suggested deer are a hardship as they destroy gardens.
- All the houses in this neighbourhood are either fenced or have shrubbery.
- This is not an unreasonable fence, given the location.
- Neighbours should go to Council and request an amendment to the Bylaw.

Public input:

Nil

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 6.2(f)(i), further to the construction of a fence and a driveway gate on Lot 1, Section 44, Victoria District, Plan 7126 (2965 McAnally Road):

- a) relaxation of fence height constructed on a lot line abutting a street from 1.5 m to 2.06 m on the front lot line and interior side lot lines**

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire."

Board comments:

- This is a minor variance.

- Deer are destructive to gardens and a danger to pets.
- Given the site location, they have given reasonable justification.
- There is no concern from the neighbours and no environmental impact.

The Motion was then Put and CARRIED

Carey Road
Accessory
building

Applicant: Backyard Bungalows OBO John Rose and Meghan Griffin
Property: 4050 Carey Road
Variance: Relaxation of front yard setback from 7.5 m to 3.8 m

BOV #00877

The Notice of Meeting was read and the applicant's letter received.

Applicants:

Nick Kardum, applicant, and Megan Griffin and John Rose, owners, were present in support of the application, and stated:

- They purchased the property about 8 years ago.
- The existing accessory building is derelict. They are worried about theft, and they would like to have more usable space on their property. They use their back yard a lot.
- They have a double front yard, and understand the setback rules for homes, but question why the setbacks are so large for accessory buildings.
- They want to improve their property and have support from the neighbours.

Comments from a discussion was noted as follows:

- In reply to a comment that they are not just building a garage, the owners stated that since they are already constructing the space they would like to also build a craft room for the kids and space for Ms. Griffin.
- The existing garage is already non-conforming and the proposed building is larger.
- In reply to a comment that it appears that this could be a secondary suite, the owner stated that they already have a big enough house and this is not a suite; they do not want tenants.
- They would like to have storage for vehicles, motorcycles, bicycles, tools, etc., a kids play area, and a yoga/art room. It makes sense to build one building rather than build a garage plus an addition to the house.
- An existing non-complying shed sits on blocks and can be moved if necessary.
- The front yard (as per Zoning) is used as a back yard.
- There are no other areas to add to the house unless trees are removed. Additionally, the existing driveway is functional.

Board discussion:

- This looks like a suite. They can fit a double car garage within the setbacks.
- There is a hardship with the unusual lot shape.
- It would cost much more to build a separate garage and do an addition to the house.
- There is a hardship with the house having two frontages.
- The request is driven by the need for auxiliary space. The 50% allowance reduction does not feel like a minor request.
- If this was on Gladiola Avenue, the setback would be 1.5 metres. It is more of a laneway on that side.
- All the houses are oriented with Carey Road as the frontage.
- The applicant could apply to Council for a Development Variance Permit.

Staff advised the Board that they must accept the application as proposed and not make assumptions about the use of the structure.

Public input: Nil

MOTION: **MOVED by D. Gunn: “That the following variance to relax the front yard setback from 7.5 m to 3.8 m from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i), further to the construction of an accessory building on Lot A, Sections 50 & 78, Victoria District, Plan 4635 (4050 Carey Road) be DENIED.”**

The Motion died due to lack of a Seconder

MOVED by R. Riddett and Seconded by M. Horner: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), further to the construction of an accessory building on Lot A, Sections 50 & 78, Victoria District, Plan 4635 (4050 Carey Road):

a) relaxation of front yard setback from 7.5 m to 3.8 m

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variance so permitted by this Order will expire.”

Board comments:

- There is a hardship with the odd lot with roads on three sides of the property.
- Member not convinced this is a suite. Saanich can monitor this at the building permit stage and via bylaw enforcement.
- The neighbours are not opposed.
- The building backs onto a laneway.
- The environmental impact has been considered.
- The existing garage does not comply with the bylaw.

The Motion was then Put and CARRIED

Adjournment On a motion from D. Gunn, the meeting was adjourned at 7:39 pm.

Haji Charania, Chair

I hereby certify that these Minutes are a true and accurate recording of the proceedings.

Recording Secretary